



LIPSIUS-BENHAIM
LAW, LLP

80-02 Kew Gardens Road
Suite 1030
Kew Gardens, New York 11415
Telephone: 212-981-8440
Facsimile: 888-442-0284
www.lipsiuslaw.com

ALEXANDER J. SPERBER
DIRECT LINE: 212-981-8449
EMAIL: asperber@lipsiuslaw.com

July 31, 2023

VIA ECF

Honorable Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square, Room 2201
New York, NY 10007

Re: Kitchen Winners NY Inc. v. Rock Fintek LLC
Case No. 22-cv-05276-PAE
Our File No: 5529.0002

Dear Judge Englemayer:

This firm represents plaintiff and counterclaim-defendant Kitchen Winners NY Inc., as well as third-party defendants Adorama Inc., and Joseph Mendlowitz (collectively “Defendants”). Defendants respectfully submit this letter pursuant to the Court’s Order dated July 27, 2023, in response to Rock Fintek LLC’s (“Rock Fintek”) request for an extension of the present discovery deadlines. (ECF No. 97.)

Defendants respectfully submit that Rock Fintek’s request to extend discovery until December 31, 2023 is unreasonable. While Defendants are mindful of Mr. Rakhunov’s trial commitments, placing discovery on hold for the entire month of September and then, potentially, nearly the entire month of November, is untenable. Defendants have an interest in moving this action forward towards resolution. As counsel for Rock Fintek noted in his letter to the Court, Defendants would consent to an extension of discovery through October 15, 2023. The additional month-and-a-half should be sufficient time for the parties to complete depositions and non-party discovery, as well as resolve any disputes with each other’s productions.

The claims made by Rock Fintek regarding Defendants’ purported discovery deficiencies are simply without basis. Rock Fintek has asserted that “significant document issues remain to be

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worked out, including deficiencies with productions by the Adorama Parties.” Notably, however, Rock Fintek does not explain in what way Defendants’ production is deficient.

On April 28, 2023, Defendants produced 220 pages of responsive documents. On July 11, 2023, Defendants produced a supplemental production of 410 pages of responsive documents. Additionally, on June 29, 2023, Defendants responded to Rock Fintek’s Interrogatory requests.

Since those dates, Rock Fintek has not sent a deficiency letter, and its letter to the Court fails to identify any specific issues with Defendants’ production. The first time that Rock Fintek raised any issue with Defendants’ production was in its July 26, 2023 letter to the Court. Subsequently, on July 28th, Mr. Rakhunov sent an email asserting that Rock Fintek would be sending “a list of specific topics with respect to both of your clients’ discovery on which we will need to meet and confer.” Having not yet seen that list, I am not in a position to address Rock Fintek’s vague allegations of purported document production deficiencies.

Rock Fintek’s own responses to Defendants’ interrogatories are due today. Based upon Rock Fintek’s recent responses to the interrogatories served by defendants JNS Capital Holdings LLC and Joel Stern, I expect that the parties will need to meet-and-confer to resolve some issues with those responses. It is my hope, however, that we will be able to resolve any issues without judicial intervention.

I thank the Court for its continued attention to this matter.

Respectfully submitted,



Alexander J. Sperber

cc: All Counsel (via ECF)